



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

**JUL 29 2016**

**OFFICE OF  
COMPLIANCE AND ENFORCEMENT**

Reply to: OCE-101

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

**Notice of Violation**

Mr. Lance Hoyt  
Manager, City of Toppenish  
City Hall  
21 West First Avenue  
Toppenish, Washington 98948

Re: City of Toppenish WWTP  
NPDES Permit Number WA-002612-3

Dear Mr. Hoyt:

On May 23, 2013, the U.S. Environmental Protection Agency (EPA) issued a National Pollutant Discharge Elimination System (NPDES) permit to the City of Toppenish, Washington ("City") for its wastewater treatment facility ("Facility"), NPDES Permit Number WA-002612-3 ("Permit"). The Permit became effective on July 1, 2013, and will expire on June 30, 2018. The purpose of this letter is to notify you of violations EPA discovered upon review of administrative files, including the Discharge Monitoring Reports (DMRs) submitted by the City, and in response to the inspection of the Facility conducted by EPA on September 24, 2015. The purpose of the inspection was to determine the City's compliance with the requirements of the Clean Water Act (CWA) and the NPDES Permit. I would like to express my appreciation for your staff's time and cooperation during the inspection.

**ADMINISTRATIVE FILE REVIEW**

1. EPA reviewed DMRs from June 2011 through June 2016 and identified effluent limitation exceedances that constitute 28 violations of the CWA, 33 U.S.C. § 1251 *et seq.*

Monitoring Period	Parameter	DMR Value	Permit Limit	Limit Type	# Violations
February 2015	Zinc, total recoverable	59.9 µg/L	50.49 µg/L	Mo Avg	28

2. Part II.B of the Permit states, "The permittee must develop and implement a quality assurance plan (QAP) for all monitoring required by this permit. The permittee must submit written notice to EPA, the Yakama Nation Environmental Protection Program, and the Yakama Nation Water Code Administration that the Plan has been developed and implemented by December 31, 2013. Any existing QAPs may be modified for compliance with this section."

Upon review of administrative files from June 2011 through June 2016, EPA discovered that the Facility was late in submitting the QAP. The QAP was due by December 31, 2013; however, EPA did not receive the plan until October 28, 2014.

## SEPTEMBER 2015 INSPECTION

1. Part II.B of the Permit states, in part, "The permittee must develop and implement a quality assurance plan (QAP) for all monitoring required by this permit."

Part II.B.1 of the Permit states, "The QAP must be designed to assist in planning for the collection and analysis of effluent and receiving water samples in support of the permit and in explaining data anomalies when they occur."

Part II.B.2 of the Permit states, "Throughout all sample collection and analysis activities, the permittee must use the EPA-approved QA/QC and chain-of-custody procedures described in *EPA Requirements for Quality Assurance Project Plans* (EPA/QA/R-5) and *Guidance for Quality Assurance Project Plans* (EPA/QA/G-5). The QAP must be prepared in the format that is specified in these documents."

At the time of the inspection, the inspector found that the Facility did not write the QAP in accordance with established EPA guidelines. It was entirely missing the section on sample collection procedures, and several sections had inadequate details to allow the QAP to fulfill its intended purpose as stated in Part II.B.1 of the Permit. Failure to create a detailed, complete document according to EPA guidelines are violations of Parts II.B.1 and II.B.2 of the Permit.

2. Part III.E of the Permit states, in part, "Records of monitoring information must include the date, exact place, and time of sampling or measurements."

At the time of the inspection, the inspector noted that the Facility was not recording either the time of sample collection or the time of sample analysis. Without annotation of the two times, it is impossible to determine if the Facility analyzes the samples within their respective maximum hold times. Failure to document times of sample collection and analysis are violations of Part III.E of the Permit.


3. Part IV.E of the Permit states, "The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit."

At the time of the inspection, the inspector noted that the Facility had not calibrated the influent or the effluent flow meters since installation. The flow meters are integral to ensuring that the permittee achieves and maintains compliance with conditions of the permit, and as such, the Facility must properly maintain the meters. Part of maintenance is calibration. Failure to maintain the flow meters properly are violations of Part IV.E of the Permit.

Although our goal is to ensure NPDES facilities comply fully with their permits, the ultimate responsibility rests with the permittee. As such, I want to strongly encourage you to continue your efforts to maintain full knowledge of the Permit requirements, and other appropriate statutes, and to respond appropriately to ensure compliance. Notwithstanding your response to this letter, EPA retains all rights to pursue enforcement actions to address these and any other violations.

I have enclosed a copy of the inspection report (Enclosure). If you have any questions concerning this matter, please call Raymond Andrews of my staff at (206) 553-4252.

Sincerely,



Edward J. Kowalski  
Director

Enclosure

cc: Ms. Sage Park  
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